

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

KYRON ADAMS,

Petitioner,

V.

DIRECTOR, TDCJ-CID,

Respondent.

Case No. 6:21-cv-64-JDK-JDL

## ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Petitioner Kyron Adams, a Texas Department of Criminal Justice inmate proceeding pro se, filed this civil action as a motion for extension of time to file a habeas corpus petition. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On July 8, 2021, Judge Love issued a Report and Recommendation recommending that the Court dismiss the petition without prejudice for want of jurisdiction. Docket No. 9. In response to the Report, Petitioner again moved for an extension of time to file his habeas petition. Docket No. 11. Petitioner has now had almost six months to comply with Judge Love's order to file an amended petition stating his claims. He has failed to do so.

Where a party objects within fourteen days of service of the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the

Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

As the Magistrate Judge explained, the Court cannot consider a standalone request for an extension of time to seek federal habeas corpus relief. Should Petitioner file a habeas corpus petition setting out his grounds for relief, as the Magistrate Judge previously ordered him to do, the Court could consider whether statutory or equitable tolling, or such other exceptions as may be appropriate, would apply to the limitations period. However, in the absence of a petition setting out an adverse party and specific grounds for relief, the Court lacks jurisdiction because the motion for extension of time does not present a case or controversy which the Court can decide.

Having conducted a de novo review of the Report and the record in this case, the Court has determined that the Report of the United States Magistrate Judge is correct, and Petitioner's objections are without merit. The Court therefore **ADOPTS** the Report and Recommendation of the Magistrate Judge (Docket No. 9) as the opinion of the District Court. Petitioner's petition for habeas corpus is hereby **DISMISSED** without prejudice for want of jurisdiction. The dismissal of this petition shall not prevent Petitioner from seeking habeas corpus relief in federal court by filing a petition for such relief, setting out such grounds for relief as he may believe

are appropriate. Federal habeas corpus forms are available in the law library of the unit where he is confined.

So **ORDERED** and **SIGNED** this **1st** day of **September, 2021**.

A handwritten signature in black ink, appearing to read "Jeremy D. Kernodle", written over a horizontal line.

JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE